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### NOTICE OF ALLOWANCE AND FEE(S) DUE

41155 7590 05/06/2009

BRIAN R. WOODWORTH 275 N. FIELD DRIVE DEPT. NLEG BLDG H-1 LAKE FOREST, IL 60045-2579 EXAMINER

MENDEZ, MANUEL A

ART UNIT

PAPER NUMBER

3763

DATE MAILED: 05/06/2009

| APPLICATION NO.                           | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |  |
|---|-------------|----------------------|---------------------|------------------|--|
| 10/823,220                                | 04/13/2004  | Marwan A. Fathallah  | 7122USP1            | 4640             |  |
| TITLE OF INVENTION: MEDICAL DEVICE SYSTEM |             |                      |                     |                  |  |

| APPLN. TYPE    | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE   |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO           | \$1510        | \$300               | \$0                  | \$1810           | 08/06/2009 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

#### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and I/2 the ISSUE FIEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

#### PART B - FEE(S) TRANSMITTAL

# Complete and send this form, together with applicable fee(s), to: Mail Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

or Fax (571)-273-2885

| appropriate. All further<br>indicated unless correcte<br>maintenance fee notifical  | form should be used I<br>correspondence includir<br>ed below or directed oth<br>tions.   | or transmitti<br>ig the Patent,<br>icrwise in Bl                          | advance o<br>ock 1, by (   | rders and notification<br>a) specifying a new o  | of m  | pondence address;  | and/or   | nailed to the current<br>(b) indicating a sepa   | correspond<br>rate "FEE   | lence address as<br>ADDRESS" for   |
|---|--|---|--|--|---|--|--|--|---|--|
| CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)  |  |   |  | Note: A certificate of mailing can only be used for domestic mailings of the<br>Fee(s) Transmittal. This certificate cannot be used for any other accompanying<br>papers. Each additional paper, such as an assignment or formal drawing, must<br>have its own certificate of mailing or transmission. |   |  |  |  |   |  |
| BRIAN R. WC<br>275 N. FIELD D<br>DEPT. NLEG B   | ORIVE<br>LDG H-1   | /2009   |  |  | I ber   | Cert   | ificate  | of Mailing or Trans: ) Transmittal is being leient postage for firs SSUE FEE address ) 273-2885, on the d              | nission   | with the United  |
| LAKE FOREST   | , IL 60045-2579  |   |  |  |   |  |  |  |   | (Depositor's name)   |
|   |  |   |  |  |   |  |  |  |   | (Signature)  |
|   |  |   |  |  | L   |  |  |  |   | (Date)   |
| APPLICATION NO.   | FILING DATE  |   |  | FIRST NAMED INVENTOR   |   |  | ATTORNEY DOCKET NO. CONFIRM.                   |  |   | MATION NO.   |
| 10/823,220<br>TITLE OF INVENTION  | 04/13/2004<br>: MEDICAL DEVICE S   | YSTEM   |  | Marwan A. Fathalla   | ah  |  |  | 7122USP1   |   | 4640   |
| APPLN. TYPE   | SMALL ENTITY   | ISSUE FE  | E DUE  | PUBLICATION FEE D  | UE  | PREV. PAID ISSUE F   |  | TOTAL FEE(S) DUE   | D   | ATE DUE  |
| nonprovisional  | NO   | \$15  | 10   | \$300  |   | \$0  | \$1810   |  | 0   | 8/06/2009  |
| EXAM  | INER   | ARTU  | INIT   | CLASS-SUBCLASS   | ASS   |  |  |  |   |  |
| MENDEZ, N   | MENDEZ, MANUEL A 3763  |   |  | 604-131000   | _   | _  |  |  |   |  |
| "Fee Address" ind. PTO/SB/47; Rev 03-0 Number is required.  3. ASSIGNEE NAME A  | ondence address (or Cha<br>3/122) attached.<br>ication (or "Fee Address<br>12 or more recent) attach<br>ND RESIDENCE DATA<br>iess an assignee is ident<br>h in 37 CFR 3.11. Comp | nge of Corres  "Indication for a Corres  A TO BE PRI                      | pondence<br>orm<br>Customer  |  | p to<br>nativ<br>ingle<br>or a<br>attor<br>I be p<br>r typ<br>ne pa<br>g an a | 3 registered patent<br>ely, 2 firm (having as a<br>gent) and the name<br>neys or agents. If r<br>printed. e) ttent. If an assigne<br>assignment. | membe<br>s of up<br>to name                    | er a 2   |   | as been filed for  |
| Please check the appropr  | iate assignee category or  | categories (w   | vill not be p  | rinted on the patent):   | ۵   | Individual 🗖 Co  | rporatio                                       | on or other private gro  | up entity   | Government   |
| 4a. The following fee(s):  Issue Fee Publication Fee (N Advance Order - #   | o small entity discount p  | permitted)  | -  | b. Payment of Fee(s): ( A check is enclos Payment by credi The Director is he overpayment, to I  | ed.<br>t card   | i. Form PTO-2038   | is attac                                       | ched.  |   |  |
|   | s SMALL ENTITY state   | is. See 37 CF   |  | ☐ b. Applicant is no   |   |  |  |  |   |  |
| NOTE: The Issue Fee an<br>interest as shown by the  | d Publication Fee (it req<br>records of the United Sta   | uired) will no<br>tes Patent and  | t be accepte<br>l Trademark  | d from anyone other the<br>Office.   | ian th  | ne applicant; a regis  | tered a  | ttorney or agent; or th  | e assignee  | or other party in  |
| Authorized Signature  |  |   |  |  |   | Date   |  |  |   |  |
| Typed or printed name   |  |   |  |  |   | Registration N   |  |  |   |  |
| This collection of inform<br>an application. Confident<br>submitting the complete<br>this form and/or suggesti<br>Box 1450, Alexandria, V<br>Alexandria, Virginia 223 | ation is required by 37 C<br>tiality is governed by 35<br>d application form to the<br>ions for reducing this but<br>firginia 22313-1450. DC<br>13-1450.                         | FR 1.311. Th<br>U.S.C. 122 a<br>USPTO. Tin<br>rden, should to<br>NOT SEND | ne information 37 CFR<br>ne will vary<br>ne sent to the<br>FEES OR | on is required to obtain<br>1.14. This collection is<br>depending upon the is<br>e Chief Information O<br>COMPLETED FORM   | or re<br>s esti<br>ndivi<br>ffice<br>S TC                                     | etain a benefit by the<br>imated to take 12 n<br>idual case. Any coi<br>r, U.S. Patent and<br>THIS ADDRESS.                                      | e publi<br>ninutes<br>nments<br>fradem<br>SENE | c which is to file (and<br>to complete, including<br>on the amount of tit<br>ark Office, U.S. Depa<br>TO: Commissioner | by the US<br>g gathering<br>ne you req<br>artment of<br>or Patents, | PTO to process)<br>t, preparing, and<br>uire to complete<br>Commerce, P.O.<br>P.O. Box 1450, |

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| 10/823,220  | 04/13/2004     | Marwan A. Fathallah  | 7122USP1            | 4640             |  |
| 41155 7.  | 590 05/06/2009 |                      | EXAMINER            |                  |  |
| BRIAN R. WOO                                      | DDWORTH        | MENDEZ, MANUEL A     |                     |                  |  |
| 275 N. FIELD DR                                   |                |                      | ART UNIT            | PAPER NUMBER     |  |
| DEPT. NLEG BLDG H-1<br>LAKE FOREST, IL 60045-2579 |                |                      | 3763                |                  |  |

# Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1089 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1089 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

# Notice of Allowability

| Application No.  | Applicant(s)    |  |
|------------------|-----------------|--|
| 10/823,220       | FATHALLAH ET AL |  |
| Examiner         | Art Unit        |  |
| Manuel A. Mendez | 3763            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- This communication is responsive to 10/24/2008.
- The allowed claim(s) is/are 21-33 and 58-69.
- 3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  $\square$  All b) ☐ Some\* c) ☐ None of the:
    - 1. T Certified copies of the priority documents have been received.
    - 2. Certified copies of the priority documents have been received in Application No.
    - 3. 
      ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

- A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) hereto or 2) to Paper No./Mail Date
  - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. 

DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

# Attachment(s)

- 1. | Notice of References Cited (PTO-892)
- 2. Notice of Draftperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statements (PTO/SB/08).
- Paper No./Mail Date 4. T Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 5. Notice of Informal Patent Application
- Interview Summary (PTO-413), Paper No./Mail Date
- 7. 

  Examiner's Amendment/Comment
- 8. X Examiner's Statement of Reasons for Allowance 9. ☐ Other

## /Manuel A. Mendez/

Primary Examiner, Art Unit 3763

Application/Control Number: 10/823,220

Art Unit: 3763

#### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose or suggest, inter alia, A clamp mechanism for mounting a medical device to a support member, comprising a clamp body defining a first jaw, a second jaw and an opening therebetween adapted to receive a support member; a clamp shaft including a forward end for extending into the opening, a rearward end. and an intermediate portion having a longitudinal axis and being mounted for axial movement on the first jaw of the clamp body; ratchet and pawl means operatively interposed between the intermediate portion of the clamp shaft and the clamp body, the ratchet and pawl means comprising ratchet teeth and a pawl; biasing means for yieldingly urging the pawl and ratchet teeth into engagement with a biasing force; and the biasing means, the ratchet teeth, and the pawl being configured and arranged to normally resist axial movement of the clamp shaft in a direction away from the opening and, upon application of an axial force to the clamp shaft sufficient to overcome the biasing force of the biasing means, to permit slide-ratcheting axial movement of the clamp shaft in a direction toward the opening.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel A. Mendez whose telephone number is 571-272-4962. The examiner can normally be reached on 0730-1800 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nicholas D. Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/823,220

Art Unit: 3763

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Manuel A. Mendez/

Primary Examiner, Art Unit 3763

Manuel A. Mendez Primary Examiner Art Unit 3763

MM